

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
STATESVILLE DIVISION
CIVIL ACTION NO. 5:15-CV-00041-RLV-DCK**

UNUM LIFE INSURANCE COMPANY OF AMERICA,)	
)	
)	
Plaintiff and Stakeholder in Interpleader,)	
)	
v.)	
)	
FRANKLIN CHRISTOPHER BUMGARNER AND MISTY ANN LACKEY,)	
)	
)	
Defendants and Claimants in Interpleader.)	
)	
)	

ORDER

THIS MATTER IS BEFORE THE COURT on the parties’ Joint Motion for Disbursement of Funds and Dismissal and Discharge of Unum Life Insurance Company of America (the “Joint Motion”) (Doc. No. 20) and the Stipulation of Dismissal of Defendant Bumgarner’s Counterclaim (the “Stipulation”) (Doc. No. 21). Having considered the parties’ Joint Motion and Stipulation, and all other relevant matters of record, and having found good cause shown,

IT IS, THEREFORE, ORDERED THAT

- (1) The Clerk distribute the funds deposited with the Court that are subject to this interpleader action as follows:
 - (i) 87.5 % of the proceeds be disbursed to the order of Misty Ann Lackey and her attorneys, Harbinson and Brzykcy, Attorneys at Law; and
 - (ii) 12.5% of the proceeds be disbursed to the order of Franklin Christopher Bumgarner and his attorney, Beth R. Setzer, Attorney at Law;

- (2) Defendant Bumgarner's Counterclaim against Plaintiff Unum Life Insurance Company of America is hereby **DISMISSED WITH PREJUDICE**;
- (3) Defendant Bumgarner's Crossclaim against Defendant Lackey is hereby **DISMISSED WITH PREJUDICE**;
- (4) Defendant Lackey's Crossclaim against Defendant Bumgarner is hereby **DISMISSED WITH PREJUDICE**;
- (5) Per the parties' agreement, all parties to this action are permanently enjoined from filing suit against Unum Life Insurance Company of America or otherwise seeking recovery against Unum Life Insurance Company of America in connection with, related to, or arising from the distribution of proceeds payable under the basic life insurance policy and supplemental life insurance policy resulting from the death of Nancy Gail Byers; and
- (6) The Clerk is directed to enter Judgment in favor of the Defendants, as specified above, and to administratively terminate this matter.

SO ORDERED.

Signed: December 8, 2015



Richard L. Voorhees
United States District Judge

